

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3430 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

ANDARSINH MANORBHAI DINOR

Appearance:

MR HARDIK C RAWAL for Petitioner
NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 11/10/1999

ORAL JUDGEMENT

The Learned Advocate Shri Raval is appearing for
the petitioner Corporation. Though served the respondent
workman has not appeared before this Court.

The facts of the present case, in short, are that
the workman was working with the petitioner Corporation

as Badli Worker. On 15.6.1986, he was on duty from Akodiya to Godhra route. While his bus was checked on that route, it was found that he had recovered Rs.5/- from 7 passengers without issuing any ticket in their favour. Departmental inquiry was initiated against the respondent workman and after the inquiry was completed, services of the respondent were terminated on 25.6.1987. The said order of termination was challenged by the respondent before the Labour Court Baorda by filing Reference No. 93 of 1988. The Labour Court has passed the award on 7.11.1989 and directed the Corporation to reinstate the workman with continuity of service but without backwages for the intervening period. The Labour Court has considered the past record of the workman which was also not bad and also considered another aspect that there was some exchanges of words between the passengers and the respondent workman and the distance was too short and meanwhile the bus was checked. Therefore, the Labour Court has thus appreciated the defence of the respondent workman and considered the fact that the respondent has put in all seven years of service with the petitioner Corporation. Keeping all these aspects in view, the Labour Court directed the petitioner Corporation to reinstate the petitioner workman in service without back wages for the intervening period. Feeling aggrieved by the said award, the petitioner Corporation has challenged the same before this Court by way of this petition under Article 227 of the Constitution of India.

This Court while admitting this petition has not granted any interim relief in favour of the petitioner Corporation and therefore the respondent must have been reinstated in service and by now, more than seven years have passed.

Learned Advocate Mr.Raval has submitted before this Court that looking to the misconduct alleged against the workman, the Labour Court ought to have imposed some punishment upon the respondent workman. He has not made any other submission and therefore, I am of the opinion that so far as reinstatement is concerned, findings of the Labour Court should not be disturbed but in view of the misconduct alleged against the workman, some punishment should be imposed upon the workman. I am of the opinion that it would be just and proper to impose punishment of stoppage of one annual increment with future effect, with effect from 1.1.99 so that it may not result into reduction of his present pay packet and there may not be any question of recovery pursuant to stoppage one annual increment with future effect. To that effect,

the award passed by the Labour Court is required to be modified. Accordingly, I pass the following order:-

The petition is partly allowed. The petitioner Corporation is directed to stop one annual increment of the respondent workman with effect from 1.1.99, with future effect. Rest of the award passed by the Labour Court is confirmed. Rule is made absolute to the above extent with no orders as to costs.

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